

ORDINANCE NO. 02-2-23

**AN ORDINANCE REPEALING AND RECREATING CHAPTER 13 – FIRE PREVENTION
AND PROTECTION OF THE VILLAGE OF ASHWAUBENON MUNICIPAL CODE**

**THE VILLAGE BOARD OF THE VILLAGE OF ASHWAUBENON DOES ORDAIN THAT
CHAPTER 13 BE REPEALED AND RECREATED TO READ AS FOLLOWS:**

SECTION 1. Chapter 13 – Fire Prevention and Protection

Article 1: In General

13-1-1 Intent

It is the intent of this chapter to safeguard life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises. Compliance with codes and standards of the National Fire Protection Association, the International Code Council, or other approved nationally recognized safety standards, as later referred to or as specified in this Chapter, shall be deemed prima facie evidence of compliance with this intent.

13-1-2 Applicability

- (A) This Chapter shall apply to both new and existing conditions, provided existing conditions not in strict compliance with the terms of this Chapter may be permitted to continue where such continuation does not constitute a substantial hazard to life or property in the opinion of the code official.
- (B) Nothing contained in this Chapter shall be construed as applying to the transportation of anything shipped under the jurisdiction of and in compliance with the regulations prescribed by the United States Department of Transportation nor as applying to the military forces of the United States.
- (C) This Code applies to each building and premises, public or privately owned and public thoroughfares located within the village.

13-1-3 Authority of the Director of Public Safety

The Chief of Public Safety has the authority to administer and enforce this chapter. The Chief may delegate authority to subordinates in the Public Safety Department, and the actions of such authorized subordinates shall be construed as valid actions of the Chief.

13-1-4 Fees for Response to Service on Roads, Streets, Highways, Public Waterways and Railroads

- (A) *Definitions.* The following words, terms and phrases, when used in this section, shall have

the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

County trunk highway means a road maintained by the county highway department.

Disposable supplies means any material used to control and/or remove a hazard and then must be replenished, such as fire-fighting foam and/or oil dry.

Emergency vehicles means fire apparatus, ambulances, police vehicles, and support vehicles operated by the village and/or by the municipalities with mutual aid agreements that are providing service with the Village.

Hazardous condition means a condition or substance (solid, liquid or gas) capable of posing an unreasonable risk to health, safety, the environment or property.

National highway system means any highway maintained by the state Department of Transportation that is a part of the national system of interstate highways, including entrance and exit ramps, frontage access roads, service centers and inspection and weigh stations.

Service means an act performed by the Public Safety Department upon the national highway system, state trunk highway or local street that includes but is not limited to extinguishing a vehicle fire, using extrication equipment to aid in the removal of victims of a vehicular accident and cleanup of a hazardous condition or spill.

Specialized vehicles means vehicles such as heavy lifting tow trucks, cranes and vacuum trucks, owned or operated by the Village or a subcontractor to the village, that are needed to control and/or remove a hazardous condition.

State trunk highway means a road maintained by the state Department of Transportation.

Street means a local thoroughfare or roadway, either private or owned and maintained by the Village.

- (B) *Fees to be charged for emergency service.* The owner of each and every vehicle receiving emergency service from the Village for the use of its emergency fire vehicles, equipment and disposable supplies, such as fire-fighting foam, oil dry and other material used to remove a hazardous condition, shall pay for such service when rendered within the village on a local street, county trunk highway, state trunk highway, the interstate system, public waterways and railroad system may be charged fees in accordance with the Village's fee schedule.

13-1-5 Penalty

Except as otherwise provided, any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in Chapter 1, Section 1-13.

Article 2 – Fire Inspection Division

13-2-1 Fire Inspection Division Created

There is hereby created and established a Fire Inspection Division within the Public Safety Department which shall be operated under the authority and supervision of the Chief of Public Safety. The Chief may delegate this supervisory authority to the department commanders. The Chief or his designee shall have the authority to issue citations for violations of any provisions of this chapter or subsequent amendments to such ordinances and all state statutes, administrative codes, and model fire codes incorporated by reference in this chapter, now or in the future. Such citations shall be on forms described by ordinance or statute.

13-2-2 Reports

The Fire Inspection Division shall prepare and file the following reports:

- (A) An annual report containing all information on matters regulated by this chapter, together with statistics and such other information as may be required, shall be compiled by the division and transmitted to the Chief of Public Safety. This report shall be completed and filed prior to March 1 of the succeeding year.
- (B) The Division shall prepare and transmit all such reports as may be required by the state Department of Safety and Professional Services.

13-2-3 Authority to Enter Premises

The code official may enter any building or premises for the purpose of making an inspection under the provisions of this chapter as is reasonably necessary to determine compliance with the provisions herein. The code official shall have recourse to the remedies provided by law to secure entry to any building or premises.

13-2-4 Order to Eliminate Dangerous or Hazardous Conditions

Whenever the Chief of Public Safety or code official or designee finds in any building or upon any premises any of the following dangerous or hazardous conditions or materials that present a clear and present danger due to likelihood of fire or explosion, such materials shall be removed or conditions remedied in a reasonable manner:

- (A) Dangerous or unlawful amounts of flammable, combustible, hazardous, or explosive materials;
- (B) Hazardous conditions arising from defective or improperly installed equipment for handling or using flammable, combustible or explosive materials;
- (C) Dangerous or unlawful accumulations of rubbish, waste, paper boxes, shavings,

vegetation or other highly combustible materials;

- (D) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen hoods or other exhaust ducts or inadequate clearances to unprotected combustible materials from hoods, grease extractors, and ducts;
- (E) Obstructions to or on fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows that are liable to interfere with the operations of the fire department or egress of occupants in case of fire;
- (F) Any building or other structure which, for want of repairs, lack of adequate exit facilities, fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

13-2-5 Power of the Chief During Threat of Fire

When the Chief of Public Safety determines there are environmental conditions likely to produce a serious threat of fire to life and property, the Chief may impose a burning ban and burning restrictions and require that no person may:

- (A) Set, build, or maintain any open fire, except propane grills, when in the immediate vicinity of a residential dwelling and when placed on a noncombustible surface.
- (B) Throw, discard, or drop matches, ashes, or other burning material while outdoors in the immediate vicinity of combustible natural vegetation.
- (C) Light or use any fireworks, as defined by state statutes, or caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays or use authorized by the Public Safety Department where adequate fire prevention measures have been taken.
- (D) This ban shall be lifted when the environmental conditions change so that a serious threat of fire is no longer present.

13-2-6 Order Requiring Replacement of Fire Prevention, Detection or Suppression System Due to Recurring Violations

Whenever the code official shall find in any building or upon any premises during any three consecutive fire prevention inspections or reinspections a detection or suppression system which is defective, inoperative, improperly maintained or improperly operated, the code official may order the following remedies:

- (A) If the system includes one or more exit lights which have not been illuminated during inspections, the code official may order that any or all of the exit lights in such premises be equipped with self-illuminating lights or lights equipped with light emitting diodes (LEDs);
- (B) If the system includes one or more self-closing fire doors, any of which have been found to have been held open with nonapproved hold open devices during inspections, the code official may order that any or all of the fire doors in such premises be equipped with an automatic closing device;
- (C) If the system includes one or more battery-operated smoke detectors which have been inoperative during inspections, the code official may order that the premises be equipped with smoke detectors hardwired into the premises' electrical service;
- (D) If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks or locking devices other than the primary door lock, the code official may order the removal of such bolts, bars, chains, padlocks or additional locking devices and the code official may further order that all emergency exit doors within the premises be equipped with panic door release hardware;
- (E) This subsection shall not be construed as a limitation upon the powers of the code official to issue orders for corrections of violations under this division nor shall this subsection be construed as a limitation upon any of the powers of the code official under any other applicable provision of the Village ordinances, Wisconsin Administrative Codes, or the Wisconsin State Statutes.

13-2-7 Service of Orders

- (A) The service of written orders for the correction of violations of this Chapter or for the replacement of fire prevention, detection, or suppression systems shall be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises or by mailing such orders to the owner or other responsible person, this subsection shall not preclude the code official from issuing orders orally or in such other manner as deemed appropriate under the circumstances.
- (B) If buildings or other premises are owned by one person and occupied by another, the orders issued in connection with the enforcing of this Chapter shall apply to the occupant thereof as well as to the owner, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon real estate and be the property of the owner of the premises. In such cases, the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the

owner and the occupant.

- (C) Receipt of such orders by the owner or occupant shall be sufficient notice to effect compliance with the order.

13-2-8 Fire Inspection Frequency and Fees

- (A) The Fire Inspectors of the Public Safety Department shall make the inspections required by ss. 101.14 Wis. Stats., and shall comply with the provisions thereof. The Fire Inspector shall make complaints for any violation of this section.
- (B) The Fire Inspectors of the Public Safety Department shall inspect or cause to be inspected all premises on a periodic basis and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.
1. "Periodic basis" shall mean all occupancies in the jurisdiction shall be inspected at least once per calendar year, provided the interval between those inspections does not exceed 15 months, in accordance with Wis. Admin. Code § SPS 314.01(13)(b)(4)
- (C) Fees may be charged in accordance with the Village's fee schedule for the following:
1. Inspections outside normal work hours, whether requested or required, shall be subject to fees in accordance with the Village's fee schedule.
 2. When fire inspection personnel are required, as standby personnel for events or emergencies, the owner or organizer shall pay for personnel at the Inspector's hourly rate of pay at time and a half for a minimum of three hours.
 3. An annual fire prevention inspection fee shall be charged to the business owner for required inspections of each building, structure, and premises and leased properties in which the business operates.

In the event that a reinspection is required to follow up on duly documented fire code violations, a fee per inspection visit, which is on file in the Village Clerk's office, shall be assessed to the owner of the property for each inspection performed for that code violation until said violation has been corrected to the satisfaction of the code official. Reinspection fees that are not timely paid shall be entered in the tax roll as a special charge against said lot or parcel of land pursuant to the provisions of Wis. Stats. § 66.0627, for collection and settlement under Wis. Stats. ch. 74. Fees may be charged for permits required by this chapter in accordance with the Village's fee schedule.

Article 3 – Fire Prevention Code and Standards

13-3-1 Adoption of State and National Codes

The most current edition and any subsequent editions, as amended from time to time, of the following are adopted by reference and made a part hereof, as if fully set forth herein:

- (A) The International Fire Code, 2015 edition, and reference codes and standards, as published by the International Fire Code Council, except as amended by this chapter.

(B) The provisions of the Wisconsin Administrative Code:

1. Explosives and Fireworks, Wis. Admin. Code ch. SPS 307.
2. Flammable, Combustible and Hazardous Liquids, Wis. Admin. Code ch. SPS 310.
3. Fire Prevention, Wis. Admin. Code ch. SPS 314.
4. Buildings Constructed Prior to 1914, Wisconsin Administrative Code.
5. Electrical, Wis. Admin. Code ch. SPS 316.
6. Elevators, Escalators and Lift Devices, Wis. Admin. Code ch. SPS 318.
7. Uniform Dwelling, Wis. Admin. Code chs. SPS 320 to 325.
8. Smoke Detectors and Carbon Monoxide Detectors, Wis. Admin. Code ch. SPS 328.
9. Fire Department Safety and Health Standards, Wis. Admin. Code ch. SPS 330.
10. Public Employee Safety and Health, Wis. Admin. Code ch. SPS 332.
11. Gas Systems, Wis. Admin. Code ch. SPS 340.
12. Anhydrous Ammonia, Wis. Admin. Code ch. SPS 343.
13. Mechanical Refrigeration, Wis. Admin. Code ch. SPS 345.
14. Wisconsin Commercial Building Code, Wis. Admin. Code chs. SPS 361 to 366.
15. Existing Buildings, Wis. Admin. Code ch. SPS 366.
16. State Plumbing Code, Wis. Admin. Code chs. SPS 381 to 387

(C) In case of a conflict between any provisions of this chapter, this Code, the Wisconsin Administrative Code, or the International Fire code, the code containing the strictest provisions shall apply.

(D) Any violation of any provision of the codes enumerated in Section 13-3-1 shall be a violation of this code.

(E) Overall responsibility for the provisions of Subsection (A), (B) 1 through 16 shall be as follows: The Building Inspector has the primary responsibility of necessary inspections for projects with issued construction permits prior to issuance of an occupancy permit. The designated Fire Inspector has the primary responsibility for care and maintenance inspections after construction is completed and occupancy issued.

13-3-2 Amendments to International Fire Code

The following amendments to the International Fire Code, adopted in section 13-3-1 are hereby adopted and incorporated by reference:

(A) Modify section 101.1 to read – Title. These regulations shall be known as the Fire Code of the Village of Ashwaubenon, hereinafter referred to as “this code”.

(B) The following requirements are in addition to the requirements of IFC Section 105

1. The code official shall maintain a record of all permits issued, which shall be open to public inspection non request.
2. No permit shall be issued to minors.
3. No permit granted hereunder shall be transferable.

- (C) IFC Section 108 Board of Appeals is deleted from this chapter.
- (D) IFC Section 109.4 Violation Penalties is deleted from this chapter.
- (E) The following requirements are in addition to the requirements in IFC Section 503 – Fire Apparatus Access Roads:
1. Fire lanes shall be marked with signs within five feet of the beginning and five feet of the end of the fire lane, with spacing between the signs not to exceed 150 feet. Each sign shall face the direction of oncoming traffic. The curb shall be painted yellow. In the absence of a curb, a four inch wide stripe shall be painted the full length of the fire lane. A “Fire Lane” or “Fire Zone” sign shall be affixed to a stationary pole or object and shall be plainly visible.
- (F) The following requirements are in addition to the requirements in IFC section 505 – Premises Identification: Buildings with more than one tenant shall have suite numbers/letters, unless each tenant space has a village approved address number. The suite number/letter shall be posted on the main entrance door. Those tenant spaces that have a rear exit door shall also have the suite number/letter posted on the exterior of that door.
- (G) The following requirements are in addition to the requirements in IFC section 506 – Key Boxes:
1. All new buildings will be required to have a key box installed at the time of construction. All existing buildings must have a key box installed prior to December 31, 2011. One and two family dwellings and multifamily buildings that have no common area are exempt from this requirement. If a building contains multiple occupancies, one key box large enough to contain keys for each occupancy is required.
 2. The key box shall be mounted five feet from the grade and within five feet of the main entrance of the building unless the code official approves and alternate location. It shall be conspicuously marked and plainly visible.
 3. The key box shall contain building keys and interior keys required by the Public Safety Department. All keys shall be clearly labeled with regard to their function.
- (H) The following requirements are in addition to the requirements in IFC section 507 – Fire Protection Water Supplies:
1. Private fire hydrants shall not be located within 40 feet of any building. Fire hydrants shall be no more than ten (10) feet and no less than five (5) feet from the curb or edge of the fire apparatus access road or fire lane. Fire hydrants located in parking lot islands shall be a minimum of three and a half (3.5) feet from the center of the hydrant to the curb.
 2. All hydrants shall be positioned so the largest outlet faces the street or fire lane. The center of the lowest outlet cap of fire hydrants shall be at least 18 inches above grade and not more than 24 inches above grade.
 3. All private water lines between the municipal water main and approved fire hydrants shall be no less than eight inches inside diameter.
 4. Whenever the location of a fire hydrant may be obscured by its placement, or site conditions, the code official may require such fire hydrants to be identified marked with approved above grade markers.
 5. All private hydrants fed by municipal water shall be red in color. All other private hydrants shall be orange.
 6. The code official may consider alternative setback distances and locations when site

conditions conflict with the provisions of this section.

- (I) Exceptions from sections 907.2.1, 907.2.2, 907.2.3(2), 907.2.4, 907.2.7, eliminating the need for manual pull stations are deleted.
- (J) The following requirements are in addition to the requirements of IFC section 907 – Fire Alarm and Detection Systems and IFC section 105 – Permits: A map showing the locations for all devices in a system shall be provided at the control panel and any remote annunciator panels. The zone map shall be plotted on a building layout showing each floor independently. The map shall be displayed in a manner approved by the Chief.
- (K) IFC Chapter 57 – Flammable and Combustible Liquids is deleted from this chapter. SPS 310 addresses this topic.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

This ordinance was adopted by the Village of Ashwaubenon Board of Trustees on the 28th day of February 2023.

VILLAGE OF ASHWAUBENON, WISCONSIN

By: _____
Mary Kardoskee, Village President

ATTEST:

Kris Teske, Clerk

{SEAL}

Ordinance No. O2-2-23
Ordinance Repealing and Recreating Chapter 13 – Fire Prevention and Protection

Motion to Approve/Deny Ordinance No. O2-2-23 made by: Votes:

Title	Name	Aye	Nay	Other
Trustee (Wards 1 & 2)	K. Servais			
Trustee (Wards 3 & 4)	G. Paul			
Trustee (Wards 5 & 6)	C. Zirbel			
Trustee (Wards 7 & 8)	C. Atkinson			
Trustee (Wards 9 & 10)	J. Krueger			
Trustee (Wards 11 & 12)	T. Flucke			
President	M. Kardoskee			

Date of Publication: